

Settlement/Hearing: May 12<sup>th</sup>, 2010  
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**LUIGI GUARASCIO,**

Debtor

-----X  
Chapter 13  
Case No. 07-22413 RDD

**NOTICE OF SETTLEMENT**

**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain,, United States Bankruptcy Judge, on the 12<sup>th</sup> day of May, 2010 at 10:00 A.M.in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

**PLEASE TAKE FURTHER NOTICE** , that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

/Dated: White Plains, New York  
April 1<sup>st</sup>, 2010

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir (JLS 0938)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. 914-328-6333**

**TO:** United States Trustee  
33 Whitehall Street  
New York, New York 10004

Luigi Guarascio  
7 Jodi Lane  
New City, New York 10956

Joshua N. Bleichman, Esq.  
Klein & Bleichman  
268 Route 59  
Spring Valley, New York 10977

Select Portfolio Servicing, Inc.  
c/o Jordan S. Katz, Esq.  
Law Offices of Jordan S> Katz  
395 N. Service Road # 401  
Melville, New York 11747

SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 07-22413 RDD

**LUIGI GUARASCIO,**

Debtor

- - - - - X

**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee having moved for an order dismissing this chapter 13 case; and upon the motion and the record of the hearing held on May 12, 2010, the Court having found that the above-captioned debtor has failed to comply with the provision of 11 U.S.C. § 1307 (c )(6) and the order confirming plan dated June 17, 2008 directing the debtor to remit monthly payments according to plan, and the debtor failing to comply therewith, and being, at this juncture , in material arrears with plan payments to the trustee, and there being a material default in this confirmed plan, and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York  
May , 2010

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**LUIGI GUARASCIO,**

Chapter 13  
Case No. 07-22413 RDD

**TRUSTEE'S AFFIDAVIT**

Debtor

- - - - - X

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on May 2<sup>nd</sup>, 2007.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307 (c) (6).
4. The debtor has failed to comply with the Order Confirming Plan dated June 17, 2008 whereby the debtor must remit monthly payments to the trustee in the sum of \$493.00 for 60 months.
5. The debtor has paid the trustee to date the sum of \$12,319.89.
6. The debtor is \$4,442.11 in arrears in plan payments to the trustee.
7. There exists a material default in this confirmed plan.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing

this case, be signed.

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir**

Sworn to before me this  
1<sup>st</sup> day of April, 2010

/s/ Jody L. Kava  
Jody L. Kava  
Notary Public, State of New York  
No. 4836806  
Qualified in Westchester County  
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

Chapter 13  
Case No. 07-22413 RDD

**LUIGI GUARASCIO,**

Debtor

- - - - - X

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester , State of New York.

On April 1<sup>st</sup>, 2010, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

**TO:** United States Trustee  
33 Whitehall Street  
New York, New York 10004

Luigi Guarascio  
7 Jodi Lane  
New City, New York 10956

Joshua N. Bleichman, Esq.  
Klein & Bleichman  
268 Route 59  
Spring Valley, New York 10977

Select Portfolio Servicing, Inc.  
c/o Jordan S. Katz, Esq.  
Law Offices of Jordan S> Katz  
395 N. Service Road # 401  
Melville, New York 11747

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**

Sworn to before me this  
1<sup>st</sup> day of April, 2010

/s/ Jeffrey L. Sapir  
Jeffrey L. Sapir  
Notary Public, State of New York  
No. 60-8764500  
Qualified in Rockland County  
Cert. Filed in Westchester County  
Term Expires: 12/31/10